

ARTICLE 10

FP, FLOODPLAIN OVERLAY DISTRICT

Section 10.01. Statement of Purpose.

Consistent with the letter and spirit of Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 *et. seq.*, as amended, the Village Council of the Village of Dundee finds that potential growth, the spreading of development, and increasing demands upon natural resources can have the effect of encroaching upon, despoiling, polluting, or eliminating many of its watercourses and wetlands, and other natural resources and processes associated therewith, which, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreation and economic assets of existing and future residents of the Village.

This article recognizes the existence of uses and structures within the floodplain of the River Raisin. While this article allows for the continuation of these uses, it is the intent of this article to discourage the continuation of uses within the floodplain where floodwaters pose a danger to such uses or such uses have the potential to negatively impact the natural functions of the river's floodplain or the environmental quality of the river. It is further the intent of this article to discourage the establishment of new uses within the floodplain where floodwaters pose a danger to such uses or such uses have the potential to negatively impact the natural functions or the river's floodplain or the environmental quality of the river.

The Floodplain Overlay District shall be considered to overlay existing zoning districts and provide additional terms over and above those imposed by the underlying zoning districts. The location and boundaries of flood protection areas shall coincide with those locations and boundaries for flood protection and hazard areas as shown and identified in "The Flood Insurance Study, Village of Dundee, Monroe County, Michigan," prepared in 2002 with accompanying Flood Insurance Rate and Floodway Maps, and any other official revisions to the above mentioned maps as published by the Federal Emergency Management Agency (FEMA). This document shall be adopted and hereby declared to be a part of this Article.

Section 10.02 Rules and Regulations for Management of the Floodplain District.

The following rules and regulations shall apply to provide a clear understanding of the minimum requirements for the sound and proper use and development of land in the FP, Floodplain Overlay District.

These rules and requirements shall include, but not be limited to the following:

- 10.02.01 A site plan approval under Article 12, Site Plan Review Procedures and Requirements shall be required for any use or development of land within the Floodplain District.
- 10.02.02 Prior to site plan approval, all necessary permits shall have been obtained from those federal, state, or local governmental agencies from which prior approval is required, such as: U.S. Army Corps of Engineers, Michigan Department of Natural Resources, Monroe County Drain Commission, or Monroe County Health Department.
- 10.02.03 All development shall be consistent with the standards of Section 60.3(d) and 60.6(o) of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59, etc.) and Ordinance 1-82, the Village of Dundee Floodplain Ordinance.

- 10.02.04 All uses shall comply with the dimensional standards of the underlying zoning district in addition to the requirements of this article.
- 10.02.05 Projects under the control of the Village of Dundee or other use proposed on Village owned property within the Floodplain District shall require review and approval by the Village Council, based upon a recommendation from the Planning Commission.

Section 10.03. Principal Uses Permitted.

The following uses of land and structures shall be permitted only by right in the FP, Floodplain Overlay District, provided that no materials shall be stored in the floodplain.

- 10.03.01 Cultivation and harvesting of crops according to recognized soil conservation practices.
- 10.03.02 Pasture, grazing land, forestry, outdoor plant nursery, orchard, and harvesting of any wild crops.
- 10.03.03 Wildlife sanctuary, woodland preserves, and arboretums.
- 10.03.04 Outlet installations for sewage treatment plants, sealed public water supply wells, and watermains and storm sewers, and drains.
- 10.03.05 Recreational uses such as parks, pathways, boardwalks, pavilions, day camps, picnic groves, shooting ranges, golf courses, fishing, tennis clubs, and boating clubs, provided no enclosed building is located in the floodway.
- 10.03.06 Commercial uses such as parking lots, railroads, streets, utility lines, storage yards, for equipment and material not subject to major damage or displacement by flood and not including flammable liquids or hazardous materials and provided such use is accessory to a use permitted in an adjoining area.

Section 10.04 Uses Permissible On Special Land Use Approval.

- 10.04.01 Uses permitted in the underlying zoning district, but not otherwise listed in section 10.03 above as principal uses permitted may be allowed by special land use approval by the Planning Commission following the procedures and requirements of Article 12, Site Plan Review Procedures and Requirements and Article 13, Special Land Uses
- 10.04.02 In passing upon such application, in addition to the requirements of the underlying zoning district, Article 12, Site Plan Review Procedures and Requirements and Article 13, Special Land Use Review, the Planning Commission shall consider:
- (a) The danger to life and property by water which may be backed up or diverted by such obstruction.
 - (b) The danger that the obstruction will be swept downstream to the injury of others.
 - (c) The availability of alternate site design or layout that would minimize impact to the floodplain and minimize the hazard of floodwaters on the proposed use.
 - (d) The construction or alteration of the obstruction in such a manner as to lessen the danger.

- (e) The permanence of the obstruction and its impact on the flow of floodwaters within the floodplain.
- (f) The anticipated development in the foreseeable future of the area which may be affected by the obstruction.
- (g) Compliance with the construction standards of Ordinance 1-82, the Village of Dundee Floodplain Ordinance.

Section 10.05 Site Plan Review.

All principal and special land uses listed above are subject further to the requirements and provisions of Article 12, Site Plan Review Procedures and Requirements and any other applicable regulations included in this Ordinance.

Section 10.06 Design Standards.

- 10.06.01 **Architectural design and materials.** All buildings shall comply with the standards of Article 18, Building Design Standards.
- 10.06.02 **Pedestrian Circulation:** Sidewalks and pathways shall be provided in accordance with the provisions of section 3.25, Site: Non-Motorized Circulation.
- 10.06.03 **Off-Street Parking and Loading Requirements:** Parking and loading shall be provided in accordance with the provisions of Article 21, Off-Street Parking and Loading Standards.
- 10.06.04 **Signs:** All signs shall be in accordance with Article 22, Sign Standards.
- 10.06.05 **Landscaping and Buffering:** All uses requiring site plan approval shall be required to submit a landscape plan to the planning commission for review and approval, based on requirements set forth in Article 19, Landscape Standards.
- 10.06.06 **General Provisions:** All uses shall comply with the requirements of Article 3, General Provisions.
- 10.06.07 **Site Lighting:** All uses shall comply with the requirements of Article 20, Lighting Standards.